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Express Mail Label No. EV493074874US Dated: November 2, 2004



Docket No.: 08212/0201978-US0 (NC30526US)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:
Rajeev Koodli et al.

Application No.: 09/616,221

Filed: July 14, 2000

For: SYSTEM AND METHOD FOR EFFICIENT
STATE TRANSFER IN MOBILE NETWORKS

**COMMENTS REGARDING THE PETITION FOR REVIVAL OF AN APPLICATION FOR
PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The above-identified application became abandoned for failure to file a timely reply to the Notice to File Missing Parts dated October 3, 2000.

The entire delay in filing the required reply from the due date for the required reply until the filing of this petition under 37 CFR 1.137(b) was unintentional. It is submitted, therefore, that on the basis described above the abandonment should be held to be unintentional and, the enclosed Combined Declaration and Power of Attorney should be entered and the case revived.

On or about August 20, 2004, the Applicants' assignee, Nokia, Inc., reviewed the file for U.S. Patent Application Serial No. 09/616,221 to determine the status of the patent application. It was determined at that time, to the surprise of the reviewers, that this case had gone abandoned due to failure to provide a timely reply to a Notice to File Missing Parts. Nokia's file, however, did not

include a Notice of Abandonment or any other indication that Nokia or the Applicants were informed of the abandonment.

We have since ordered a copy of the U.S.P.T.O. file. According to that file, a Notice of Abandonment was sent to Ms. Linda M. Beach at Nokia Internet Communications Inc. on May 24, 2002. Nokia has no record of receiving the Notice of Abandonment.

The undersigned has contacted Ms. Linda M. Beach, who is the attorney who filed the present patent application and to whom correspondence was directed. Ms. Beach is no longer with Nokia. Ms. Beach does not recall receiving a Notice of Abandonment in the present patent application and was surprised to learn that the present patent application went abandoned. The file history indicates that attempts were made by the U.S.P.T.O. to contact Ms. Beach on April 29, 2002 and May 2, 2002 and that a message was left for Ms. Beach on May 1, 2002. Ms. Beach, however, does not recall receiving any message regarding the abandonment of the present patent application.

The Applicants, Nokia, and Ms. Beach did not intend for the present patent application to go abandoned. Unfortunately, attempts to apprise Nokia, the Applicants, and Ms. Beach of the abandonment do not appear to have been successful. If such attempts had been successful, Nokia would have proceeded to revive the patent application at that time. Until the recent review of Nokia's file regarding the status of this patent application, it was believed that the present patent application was in the process of being examined by the U.S.P.T.O.

To revive the present patent application, Applicants are presenting the Response to Notice to File Missing Parts and Preliminary Amendment, the signed Combined Declaration and Power of Attorney, Figure 7, a copy of the Notice to File Missing Parts document, a Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b), these Comments, and the requisite petition and missing parts fees. The Applicants respectfully request consideration and granting of the Petition for Revival. If there are any questions, the Applicants respectfully request that the undersigned be contacted for discussion.

Application No.: 09/616,221

3

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Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Docket Number (Optional)
08212/0201978-US0
(NC30526US)

Examiner: Not Yet Assigned

**MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

☐ Small entity – fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

- | | | | |
|-------------------------------------|----------------------------------|----------|------------------|
| <input checked="" type="checkbox"/> | Other than small entity – fee \$ | 1,370.00 | (37 CFR 1.17(m)) |
|-------------------------------------|----------------------------------|----------|------------------|

A. The reply and/or fee to the above-noted Office action in the form of a Response to Notice to File Missing Parts and Preliminary Amendment, a combined Declaration and Power of Attorney, Figure 7, a copy of the Notice to File Missing Parts document and the associated fee under 37 CFR 1.16(e) (\$130.00)

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

B. The issue fee of and publication fee (if required) \$ 11/05/2004 FORBPAK1 00000107 09616221

- ☐ has been paid previously on _____ 01 FE:1453 1370.00 DP
☐ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].


Signature

Nov. 2, 2004
Date

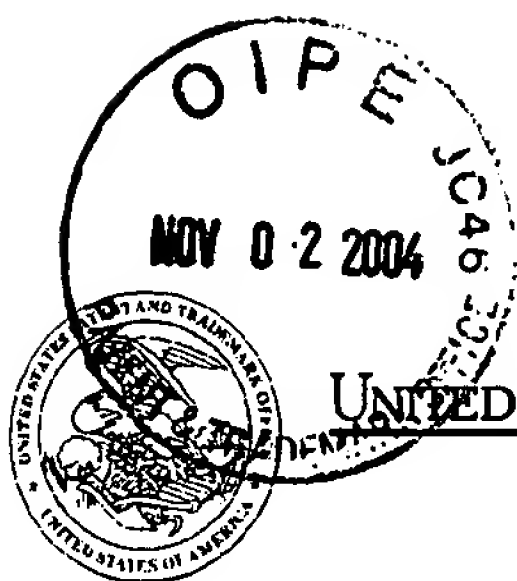
Bruce E. Black
Typed or printed name

41,622
Registration Number, if applicable

DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
Address

(206) 262-8900
Telephone Number

- Enclosures:
- ☒ Fee Payment
 - ☒ Reply (Response to Notice to File Missing Parts and Preliminary Amendment)
 - ☐ Terminal Disclaimer Form
 - ☐ Additional sheets containing statements establishing unintentional delay
 - ☒ Other: Combined Declaration And Power Of Attorney, Figure 7, Comments Regarding the Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b); and copy of Notice to File Missing Parts



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/616,221	07/14/2000	Rajeev Koodli	NC30526

FORMALITIES LETTER



OC000000005447989

Linda M Beach
Nokia Internet Communications Inc
313 Fairchild Drive
Mountain View, CA 94043

Date Mailed: 10/03/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

11/05/2004 EABUBAK1 00000107 09616221

02 FC:1051

130.00 DP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The following item(s) appear to have been **omitted** from the application:

- Figure(s) 7 described in the specification.

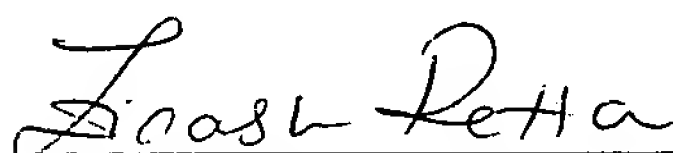
I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY